

Appl. No. : 10/737,315
Filed : December 15, 2003

REMARKS

In the Office Action mailed on November 29, 2002 the Examiner rejected all pending claims. In the present Amendment and Response to Office Action, Applicants have amended Claims 19-22 and have added Claims 27-29. Applicants respectfully request entry of the amendments and full consideration of the remarks contained herein.

Information Disclosure Statement

The Examiner stated that the information disclosure statement (IDS) filed December 15, 2003 failed to comply with 37 C.F.R. §1.98(a)(2) because copies of several foreign references, not cited in the parent application, were not included with that IDS. In the returned IDS, the Examiner indicated that DE 19627017A1, DE 19820147A1, KR 2000054970, JP 2001217206A2 and WO 96/17107 were not considered. In response, Applicants have filed herewith copies of these references and a new Form PTO/SB/08 listing the references and two U.S. patents, which are related to DE 19627017A1 and DE 19820147A1. Applicants submit that the present submission rectifies the deficiency of the IDS filed December 15. Applicants respectfully request consideration of the references and that the Examiner initial and return the new Form PTO/SB/08 to indicate consideration of those references.

Claim Objections and Amendments to the Claims

The Examiner has objected to Claims 19-22 for various informalities. The Examiner stated that the term “runner” should be inserted after the second occurrence of “metal” in each of Claims 19-21. In response, to clarify the claims, Applicants have amended Claims 19-21 as suggested by the Examiner. In addition, Applicants have amended Claim 20 to recite that “the metal runner and the metal contact comprise copper” and Claim 21 has been amended to recite that “the metal runner and the metal contact comprise aluminum.” Support for this language can be found in the Application, *e.g.*, pp. 6 and 25-28, as originally filed.

The Examiner has also objected to Claim 22 as lacking antecedent basis for the term “the conductive lining layer.” In response, Applicants have amended Claim 22 to recite “a seed layer interposed between the metal nitride layer and the metal runner and the metal contact,” rather than “a seed layer overlying the conductive lining layer.” Support for this language can be found

Appl. No. : **10/737,315**
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in the Application, *e.g.*, pp. 25-28, as originally filed. Applicants respectfully submit that the amendments add no new matter and are fully supported by the Application as originally filed.

In view of these amendments, Applicants submit that the objections to the claims are overcome.

Newly Added Claims

Applicants respectfully submit that new Claims 27-29 add no new matter and are fully supported by the Application as originally filed. *See, e.g.*, the Application, pp. 11-28, as originally filed.

Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claims 1-4 and 6-9 as being anticipated by U.S. Patent No. 6,368,954 to Lopatin *et al.* (the ‘954 patent); and Claims 16-26 as being anticipated by U.S. Patent No. 6,479,902 to Lopatin *et al.* (the ‘902 patent).

Applicants respectfully traverse the rejections.

Applicants note that the present Application takes priority from U.S. provisional Application Nos. 60/159,799 and 60/176,944, filed October 15, 1999 and January 18, 2000, respectively. Thus, Applicants submit that the present Claims are entitled to a priority date of at least January 18, 2000. In contrast, the ‘954 patent has a filing date of July 28, 2000 and the ‘902 patent has a filing date of June 29, 2000. Because the priority of the present Claims precedes the filing dates of both the ‘954 and ‘902 patents, Applicants submit that neither the ‘954 patent nor the ‘902 patent are available as prior art to the Claims. Consequently, Applicants respectfully submit that the rejections for anticipation are moot and decline to address the particular points raised by the rejections.

Rejection Under 35 U.S.C. § 103

The Examiner has also rejected Claims 1, 3-4, 12-15 and 23 under 35 U.S.C. § 103(a) as being unpatentable over the ‘954 patent or ‘902 patent in view of various secondary references or each other. As noted above, neither the ‘954 patent nor the ‘902 patent are available as prior art to the present Application. Consequently, Applicants respectfully decline to address the particular

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points raised by the rejections. Rather, Applicants submit that the rejections for anticipation are moot.

Accordingly, Applicants submit that the pending claims are allowable over the art of record. As noted above, Applicants have not addressed the Examiner's contentions regarding the teachings of the asserted references as being moot in view of the remarks herein. However, Applicants expressly do not acquiesce in the Examiner's findings not addressed herein.

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CONCLUSIONS

In view of the foregoing amendments and remarks, Applicants request entry of the amendments and submit that the application is in condition for allowance and respectfully request the same. If some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 20, 2005

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